

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REBECCA HOLLAND,

Plaintiff,

Case No. 2:19-cv-11609

-VS-

Honorable Victoria A. Roberts

NATIONAL RAILROAD
PASSENGER CORPORATION d/b/a
AMTRAK,

Defendant.

Sean M. McNally (P77563)
Marc E. Lipton (P43877)
LIPTON LAW
Attorneys for Plaintiff
18930 W. Ten Mile Road
Southfield, MI 48075
(248) 557-1688 / (248) 557-6344 (fax)
sean@liptonlaw.com

Mary C. O'Donnell (P33479)
Joseph J. McDonnell (P32056)
Adam P. Sadowski (P73864)
GALLAGHER SHARP LLP
Attorneys for Defendant
211 West Fort Street, Suite 660
Detroit, MI 48226
(313) 962-9160 / (313) 962-9167 (fax)
modonnell@gallaghersharp.com
jmcdonnell@gallaghersharp.com
asadowski@gallaghersharp.com

**AMTRAK'S NOTICE REGARDING ORDER
FOR PLAINTIFF TO SHOW CAUSE**

Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak"), through counsel, Gallagher Sharp LLP, for its Notice Regarding Order for Plaintiff to Show Cause ("Notice"), states as follows:

1. This Court entered its Order for Plaintiff to Show Cause (ECF No. 3) ("Order") on June 27, 2019. Thereafter, on June 26, 2019, Amtrak filed its Answer, Affirmative Defenses, and Reliance on Jury Demand (ECF No. 4). Amtrak counsel learned of this Court's Order when her assistant received this Court's docket sheet on PACER.

2. Amtrak offers the within Notice in the interest of judicial efficiency and economy.

As to jurisdiction, Amtrak relies on the law cited by it in previous cases, specifically:

- Amtrak is a federally-chartered corporation created by Act of Congress, 45 U.S.C. §501 *et seq.*, and more than one-half of its capital stock is owned by the United States of America, see 28 U.S.C. §1349.
- Federal Court jurisdiction over actions against corporations in which the government owns a controlling interest, such as Amtrak, is well established, and provides a basis for federal court jurisdiction. *Osborn v. Bank of the United States*, 22 U.S. 738 (1824); *Pacific Railroad Removal Cases*, 115 U.S. 1 (1885); *Harvey v. National Railroad Passenger Corporation*, 680 F. Supp. 728 (D. Md. 1987); and 28 U.S.C. §1331.

Respectfully submitted,

GALLAGHER SHARP LLP

Dated: July 2, 2019

By: /s/ Mary C. O'Donnell

Mary C. O'Donnell (P33479)
Joseph J. McDonnell (P32056)
Adam P. Sadowski (P73864)
Attorneys for Defendant
211 West Fort Street, Suite 660
Detroit, MI 48226

CERTIFICATE OF SERVICE

I certify that on the date shown below, I electronically filed the foregoing ***Amtrak's Notice Regarding Order for Plaintiff to Show Cause*** with the Clerk of the United States District Court via the Court's CM/ECF system which will then send notification of such filing to all counsel of record.

Dated: July 2, 2019

/s/ Dawn Taylor